

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 1/27/03.

I. DISPUTE

Whether there should be reimbursement for date of service 6/10/02, 7/09/02 and 8/07/02. The Carrier denied payment as “R – Extent of injury not related to compensable injury.”

II. RATIONALE

The Requestor billed \$289.08 for Paxil 20mg #30 for dates of service 6/10/02, 7/09/02 and 8/07/02. In February of 2003, the Commission determined that compensability issues were not resolved; therefore the file was held in abeyance until the issue was adjudicated. According to the Commission's data entry notes, the Requestor as a sub-claimant had requested a Benefit Review Conference (BRC) in March of 2003. A Dispute Resolution Officer reviewed the request and after speaking with the Carrier's adjustor, it was determined that the Carrier accepted the claim and was paying for medications that were reasonable, necessary and related to the initial injury. The request for a BRC was denied since there was no compensability or extent issue. The Requestor again filed for medical dispute resolution.

A call was made to the Carrier's adjustor, ____ ____ to discuss the “R” denial. It was again stated the Carrier has accepted the claim as compensable and they were denying the Paxil as not reasonable or necessary because it was given for depression and “probably should have denied it as not medically necessary”.

The Requestor submitted in their dispute packet an article entitled “Principles of Highly Effective Pain Managers” which states, “Use adjuvants. Adjuvant drugs to enhance analgesic efficacy, provide independent analgesic activity in certain situations, or treat concurrent symptoms that exacerbate pain may be used at any step or the Three-Step Ladder. Among the adjuvants commonly used are corticosteroids, anticonvulsants, antidepressants, neurleptic agents, hydroxyzine, bisphosphonates, and calcitonin.” Also submitted was a letter of medical necessity from the prescribing physician stating, “I prescribed Paxil 20mg, a Selective Serotonin Reuptake Inhibitor used in pain management due to its action of inhibiting the neurotransmitter serotonin, thus allowing it to stay out in the junction between the nerve cells, which inhibits the transmission of pain signals to the brain...”

The Requestor has provided information to support their position that this multi purpose medication was prescribed for the purpose of pain management. Therefore, reimbursement is recommended in the amount of \$289.08.

III. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the Requestor is entitled to reimbursement for prescription medication Paxil in the amount of \$289.08. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit \$289.08 plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Decision and Order is hereby issued this 5th day of March 2004.

Pat DeVries
Medical Dispute Resolution Officer
Medical Review Division

PD/pd